

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

John Charles Fortner,

Petitioner,

v.

United States of America,

Respondent.

Case No. 2:17-cr-243

Judge Michael H. Watson

Magistrate Judge Deavers

ORDER

On October 19, 2021, Magistrate Judge Deavers, to whom this case was referred, issued a Report and Recommendation ("R&R") recommending the Court deny Petitioner's motion, ECF No. 64, and dismiss the action with prejudice. R&R, ECF No. 73.


The R&R notified the parties of their right to object to the recommendations contained in the same and specifically advised the parties that a failure to timely object would amount to a waiver of the right to *de novo* review by the Undersigned as well as a waiver of the right to appeal a decision by the Undersigned adopting the R&R. *Id.* at 8.

The deadline for objecting has passed, and none were filed. Accordingly, the Court **ADOPTS** the R&R, **DENIES** Petitioner's motion, and **DISMISSES WITH PREJUDICE** this action. Petitioner is **DENIED** a certificate of appealability. The Court hereby certifies to the United States Court of Appeals that an appeal

would be objectively frivolous and, therefore, Petitioner should not be permitted to proceed *in forma pauperis*.

The Clerk is **DIRECTED** to terminate ECF Nos. 64 and 73.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT